HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated Nainital the 13th May 2005

Bail Application No. 268 of 2005

Order on the bail application of the accused.

CRIMINAL SIDE

Nandan Singh Bisht
S/o late Shri Mohan Singh Bisht
R/o Malla Buera Kathgodam
District Nainital .... Accused/Applicant

Versus

State of Uttaranchal ……...Opposite Party

Arising out of C.B.I. Case No. 1 of 2005
R.C. No.0072003A0008
Under Sections 120-B, 467, 468, 471, 409 IPC and section 13(2) read with section 13(1)(d) P.C. Act 1988
Police Station C.B.I. Dehradun
District Dehradun

BY THE COURT

Hon'ble J. C. S. Rawat, J.

Heard Sri M. M. Tiwari learned counsel for the applicant, Sri U. K. Uniyal learned senior counsel for the C.B.I. and the learned AGA for the State.

Perused the record. The matter has been investigated by the CBI. The investigation has revealed that Nandan Singh Bisht-applicant, the then Postal Asstt. (Ledger Clerk) alongwith Mr. M. C. Suyal, Postal Asstt. Sri K. N. Pandey (Retired) Dy. Post Mater, Sri Ramesh Chandra Pandey Postal Asstt. was posted at the head post office, Haldwani, District Nainital. They entered into criminal conspiracy during the year 2001-02 while functioning in the head post office Haldwani as a public servant. They dishonestly and fraudulently withdrew a sum of Rs.22,46,533/- during the period i.e. 01.3.2001 to 01.12.2001 from 140 RD accounts maintained in the said post office on the basis of forged vouchers and made false entries in the transaction list though no withdrawal forms were available. It is also alleged that the withdrawal slips were forged, pages of daily transactions list were manipulated and changed, false entries were

made in the objection register and other records of the post office. The learned counsel for the applicant also contended that the applicant was a ledger clerk and he has made entries in the ledger book and submitted the same to the sub-postmaster for sanction. The applicant is an innocent person. The learned counsel for the applicant relied upon the Rule 137(2) of the postal Rules, in which his duties has been assigned only to make entries in the ledger book. It was further contended by the applicant that the applicant had never made any withdrawal and he had not made the false entries and it was not his duty to verify the said withdrawal forms.

Sri U. K. Uniyal learned senior counsel for the C.B.I. assisted by Sri Shobit Saharia learned Advocate refuted the contention and contended that the perusal of the statement of the postmaster clearly reveals that the applicant was assigned the duty to compare the signature of the depositor and to put his signature below the signature of the depositor in the R.D. accounts. In the counter affidavit, the learned counsel for the C.B.I. contended that the applicant has never denied the above averments and has relied upon para 11 of the affidavit of the bail application in which it has been indicated that it was his duty. The learned counsel for the CBI further relied upon the Rule 139(2)**(b)** in which his duty has been assigned to compare the signature as to whether the amount is payable by the post office. The perusal of the case diary reveals that the applicant checked the withdrawal from alongwith passbook with the ledger book and thereafter calculated the interest on the original as well as on the forged withdrawal forms and the signature of the applicant has been found on the application by the handwriting expert.

Considering all the aspects and totality of the circumstances of the case, the bail application is liable to be rejected.

The bail application is hereby rejected. The observations made above shall not prejudice the trial.

Dated 13.5.2005 **(J.C.S. Rawat, J.)**

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